

CITY OF CARLSBAD
Proposition D

(This proposition will appear on the ballot in the following form)

PROP D City Charter of the City of Carlsbad		
Shall the proposed City Charter of the City of Carlsbad be adopted?		
Yes	No	

CITY ATTORNEY IMPARTIAL ANALYSIS

THE WAY IT IS NOW: Carlsbad was formed and organized as a general law city in 1952. As a general law city, Carlsbad may make and enforce laws within its local jurisdiction provided they are not in conflict with the general laws passed by the California State Legislature. Each year the state passes about 750 new laws, many of them affecting Carlsbad and all of them must be considered when enacting a local law.

THE PROPOSAL: The proposed charter gives the maximum amount of constitutional authority to the city council and citizens in managing and controlling municipal affairs. Under the state constitution, a charter city can control its own municipal affairs to the exclusion of contrary legislation by state government. However, state law controls in certain matters of statewide importance. The judiciary, not the legislature, decides what items are municipal affairs.

THE PROPOSED CHARTER WOULD:

- Provide full power and authority to the city council to regulate municipal affairs.
- Continue the existing “Council-Manager” form of government.

- Limit growth to the limits adopted by the voters in 1986 by Proposition E to the exclusion of conflicting general laws of the State of California.
- Affirm the spending limits adopted by the voters in 1982 by Proposition H.
- Reserve the maximum constitutional authority to deal with municipal affairs for economic and community development, public financing, utility franchise, enterprises and contracts.
- Prohibit revenue reductions and unfunded mandates by the State.
- Provide that the charter shall control over conflicting general laws of the State of California for municipal affairs.

The charter may not be amended except by a subsequent vote of the people.

A “YES” VOTE MEANS: You want the proposed charter to be adopted.

A “NO” VOTE MEANS: You do not want the proposed charter to be adopted.

HOW PROPOSITION D GOT ON THE BALLOT

The Carlsbad City Council held a number of workshops and considered reports, testimony of experts and other information leading to its decision on February 5, 2008 to submit the question to the voters.

FISCAL IMPACT: Should the proposed charter be adopted, there may be possibly significant but unknown revenue generation and costs savings in the future. The city council will need to adopt ordinances implementing these charter powers.

RONALD R. BALL
City Attorney